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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,311	06/04/2002	Stefan Eggers	2059	1100

7590 12/18/2003  
Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER

GURZO, PAUL M

ART UNIT PAPER NUMBER

2881

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/088,311

Applicant(s)

EGGERS ET AL

Examiner

Paul Gurzo

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-15 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hayata (5,726,739), and further in view of Maddox (4,095,881).

Regarding claim 12, 739 teaches an exposure apparatus comprising a lamp (1), a condensor device (5), a first wavelength dependent mirror layer (3) located within an exposure beam path of the lamp to divide the beam path into first UV portion for exposure and a second portion of visible and IR light (col. 3, lines 44-56). They also teach a second mirror (11) located in the beam path, a viewing screen (14), and an imaging optics (13) located between the screen and mirror to image the lamp on the viewing screen (col. 4, lines 55-58 and Fig. 1).

739 does not explicitly teach that the second mirror reflects the light portion back to the first mirror. However, 881 teaches that the IR portion of the rays is passed through the mirror (21), to a reflector (22) and from there is reflected back to the light source (lamp) (10) (col. 3, lines 60-66 and Fig. 6). The reflector (22) will act in the same way as the second mirror in that it successfully reflects the desired light back to the lamp. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reflect the light back to the lamp because it will aid in warming the lamp to save electrical energy to operate the lamp by providing a more efficient illumination system.

Regarding claim 13, 881 teaches that the reflector (22) is hyperbolic (col. 3, line 65 and Fig. 6).

Regarding claim 14, 739 teaches an exposure method for light outcoupling comprising the steps of penetrating at least one mirror layer (3) by radiation within an exposure beam path of a lamp into a first and second spectral portion (col. 3, lines 45-56 and Fig. 1) and imaging the light portion on a viewing screen (14) (col. 4, lines 55-58). They do not explicitly teach that the second mirror reflects the light portion back to the first mirror. However, 881 teaches that the IR portion of the rays is passed through the mirror (21) to a reflector (22) and from there is reflected back to the light source (lamp) (10) (col. 3, lines 60-66 and Fig. 6). The reflector (22) will act in the same way as the second mirror in that it successfully reflects the desired light back to the lamp, and this will lead to the desired adjustment of the lamp (10).

Regarding claim 15, 881 teaches the use of a heat sink that will absorb the spectral portion (col. 1, lines 15-23). It is obvious that this heat sink can be located in the lamp housing.

Regarding claim 17, 739 teaches a condensor (5) for bundling the emitted light and the claimed first and second spectral portions as stated above. They also teach imaging on a viewing screen (col. 4, lines 55-58). Further, 881 teaches the desired reflection by the second mirror (22) in a direction back towards the first mirror (21).

#### ***Response to Arguments***

Applicant's arguments filed December 01, 2003 have been fully considered but they are not persuasive. Applicant argues that the reflected IR portion does not act to adjust the lamp and argues impermissible hindsight.

In response to the applicant's argument that the IR portion does not act to adjust the lamp, the Examiner points to col. 2, lines 3-12. 881 explicitly teaches that the IR rays are reflected back to the vicinity of the light source (lamp) in order to heat the filament and the bulb wall. By heating the filament and bulb wall, the chemical molecular makeup of the lamp will change from the heating. By changing the temperature, you are adjusting the intrinsic property of the lamp as well, which will lead to improved efficiency of the lamp and the radiation wavelength emitted from the lamp. Examiner interprets this as "adjusting the lamp".

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Gurzo whose telephone number is (703) 306-0532. The examiner can normally be reached on M-Thurs. 7:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Lee can be reached on (703) 308-4116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

PMG  
December 11, 2003

*Handwritten signature: PMG*  
PAUL M. GURZO  
EXAMINER  
DEC 11 2003